

REMARKS

Claims 4-8, 11-17, 20-24 and 27-59 are pending in this application. Claims 17, 33, 36 and 39 are independent. Favorable allowance and reconsideration of the rejection is respectfully requested.

ALLOWABLE SUBJECT MATTER

Applicants appreciate that claims 17, 20-38 and 48-58 have been allowed; and claims 4, 5, 7, 11, 12 and 59 are objected to as containing allowable subject matter if rewritten in independent form including all of the features of the base claims and any intervening claims. However, it is respectfully submitted that claims 6, 8, 13-16 and 39 are allowable in view of the following remarks.

Initially, the Examiner indicated on page 3, paragraph 5 of the Office Action that claim 4 is objected to as containing allowable subject matter, however claim 4 is also rejected under art, as reflected on page 2, paragraph 3 of the Office Action. Applicants have assumed that claim 4 contains allowable subject matter as it is similar to allowed claim 20. If Applicants' assumption is incorrect, clarification in the next communication is requested.

Further, it is noted that claims 40-47 have not been rejected under art. Accordingly, Applicants have also assumed that these claims contain allowable subject matter. However, as it will become evident to the Examiner, these claims have not been rewritten in independent form to include all of the features of the respective base claims, and any intervening claims. Applicants respectfully submit that independent claim 39, from which claims 40-47 are dependent from are allowable as they stand.

CLAIM REJECTION UNDER 35 U.S.C. §102

Claims 6, 8, 13-16 and 39 are rejected under 35 U.S.C. §102(e) as being anticipated by Hoffbeck et al. (hereinafter “Hoffbeck”) U.S. Patent No. 6,445,686. The rejection is respectfully traversed.

Hoffbeck fails to disclose or suggest, *inter alia*, converting power up-adjust commands to power down-adjust commands, as recited in claim 39.

Instead, Hoffbeck discloses a wireless communication system that transmits a digital signal arranged in a sequence of frames to a receiver over a transmission medium that detects critical frame by forming a weighted sum of differences between corresponding frame parameters that represent the current frame and a previous frame. The weighted sum is then compared with a threshold. If the weighted sum exceeds the threshold, then the current frame is classified as being a critical frame and is transmitted at a higher output level and non-critical frames are transmitted by increasing the transmission power to a level higher than the transmission power output for non-critical frames (col. 5, line 60 – col. 6, line 9). That is, Hoffbeck merely discloses that the critical frame is protected against channel noise, fading and interference by increasing the transmission power, rather than converting power at up-adjust commands to power down-adjust commands, as recited in claim 39. In fact, Hoffbeck is silent with regard to the power down-adjust commands.

Because Hoffbeck fails to disclose each and every feature of the claimed invention, it cannot provide a basis for the rejection under 35 U.S.C. §102. Further, Hoffbeck does not suggest the claimed invention. Withdrawal of the rejection is respectfully requested.

For at least these reasons, Applicants respectfully submit that Hoffbeck fails to disclose or render obvious the features recited in independent claims 39. Claims 6, 8, 13-16

which depend from independent claim 39 are likewise distinguished over the applied art for at least the reason discussed as well as for the additional features they recite. Reconsideration and withdrawal of the rejection is respectfully requested.

CONCLUSION

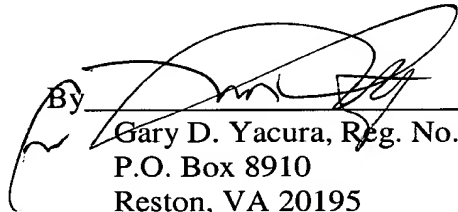
In view of the above remarks, reconsideration of the rejections and allowance of claims 4-8, 11-17, 20-24 and 27-59 are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number of the undersigned below. If the Examiner believes that a personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (703) 668-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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